Supreme Court, U. S.
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JUN 26 1980
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1979

NO. 79-1176

CITY OF MEMPHIS, WYETH CHANDLER,
THE COUNCIL OF THE CITY OF MEMPHIS
and EDWIN McBRAYER,

Petitioners,

V.

N. T. GREENE, ELNORA PRIEST CROSS,
EDWIN OWENS and CAROLYN BURSE,

Respondents.

MOTION OF HEIN PARK CIVIC ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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COURT BAR

Comes now the Hein Park Civic Association and pursuant to Rule 42, respectfully moves this Honorable Court for leave to file a Brief Amicus Curiae in this cause in support of the petitioners, the City of Memphis, et al. The Hein Park Civic Association, through W. Michael Richards, attorney, has written to Mr. A. C. Horton, Jr. and Miss Judy Curry of the Memphis Area Legal Services and Mr. Alvin Chambliss, who represent, respectively, the respondent intervenors and the respondent, N. T. Greene. No reply has been received from any of them. Therefore, this motion is made since consent was not timely obtained.

The Hein Park Civic Association is an unincorporated association composed of residents of the Hein Park Subdivision in the City of Memphis.

NATURE OF APPLICANT'S INTEREST

The Hein Park Civic Association consists of members who are homeowners and residents of the Hein Park Subdivision through which runs West Drive. The controversy in the instant case concerns the action of the City of Memphis in closing the north end of West Drive. This closing of West Drive by the City of Memphis was done at the request of the members of the Hein Park Civic

Association for the purposes of increasing the safety of their neighborhood, improving the quality of life within the subdivision by reducing noise, traffic hazards and litter. The members of the Hein Park Civic Association are therefore most affected by the action of the Court of Appeals for the Sixth Circuit in reversing the United States District Court and holding that the closing of West Drive constituted a "badge of slavery".

QUESTIONS PROPOSED TO BE RAISED BY AMICUS CURIAE

Amicus Curiae fully supports the position of the City of Memphis, and its brief will discuss the question of whether a disparate impact of a racially neutral municipal street closing, done without racial motivation, constitutes invidious discrimination in violation of the Thirteenth Amendment or 42 U.S.C. § 1982.

In addition, the Amicus brief proposes an analysis of the Court of Appeals opinion, showing

(1) that there was not in fact any appreciable detriment to black persons from the closing of the street, and

(2) that the effect of the Court of Appeals opinion is a denial of equal protection to the white residents of Hein Park subdivision.

WHEREFORE, the Hein Park Civic Association respectfully moves the Court for permission to file a brief amicus curiae in support of the Petition of the City of Memphis, et al.

Respectfully submitted,

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